



THE FOREIGN SERVICE  
OF THE  
UNITED STATES OF AMERICA

No. 2765

AMERICAN LEGATION  
Vienna, Austria, March 16, 1947

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SUBJECT: Austrian-Czechoslovak Negotiations Regarding  
Frontier Rectifications Desired by Czechoslovakia.

THE HONORABLE

THE SECRETARY OF STATE,  
WASHINGTON.

SIR:

I have the honor to transmit herewith a copy of a protocol dated March 14, 1947 of a tentative agreement between the Austrian and Czechoslovak negotiators concerning the rectifications of the Austrian-Czechoslovak frontier which the Government of Czechoslovakia wishes to bring about. The Czechoslovak note verbale of July 2, 1946, referred to in the enclosed protocol, is reproduced in the memorandum presented to the Deputies' meeting of the Council of Foreign Ministers in London, the files of which thus show in detail the Czechoslovak proposals regarding the five points mentioned in Article II of the enclosed protocol. In addition, the recent Deputies' meeting of the Council of Foreign Ministers received a memorandum from the Czechoslovak delegation repeating these five points together with a more recently added sixth point.

A Czechoslovak delegation came to Vienna last week to discuss these six points, together with a seventh, concerning a proposed power station near Lipno, added subsequent to the London conference.

After four days of satisfactory discussions in a mutually agreeable atmosphere, the Austrian and Czechoslovak negotiators drew up the enclosed protocol which they will now submit to their respective Governments for consideration. It will be seen from it that they reached tentative agreement on four of the six points set forth in the Czechoslovak memorandum presented at London, as reported in F-6879 of March 16 from USA to Moscow for US DEL, repeated to AGTER to be passed to the State Department.

In connection with the two other points raised at London, the Austrian Cabinet has decided that it cannot cede the substantial areas of Austrian territory involved but is entirely prepared to set up a commission of experts to study all possible ways in which construction of the proposed Oder-Danube Canal by Czechoslovakia can be facilitated on Austrian territory without an actual change of sovereignty. The Austrian Government is prepared to continue discussion of this point provided

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the Czechoslovak Government does not intend to raise it at the Moscow conference in connection with the proposed Austrian treaty. If the Czechoslovak Government does decide to raise this question at Moscow, the Austrian Government will wish to revoke its commitments on the four points already tentatively agreed, so that the entire group of six or seven points can be considered by the Council of Foreign Ministers as a whole.

Respectfully yours,

K. L. Benkin  
Charge d'Affaires a. i.

Enclosure: 1

Protocol of March 14, 1947.

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To Department in original and ezalid.  
Copy to: American Embassy, Prague  
American Embassy, Moscow (US DEL, for Deputy  
for Austria)  
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Enclosure to Despatch 2765,  
March 18, 1947, Vienna

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Protocol of Conclusions

The result of the Vienna discussions regarding the Czechoslovak desires for border rectifications is summarized as follows:

I.

The Austrian Federal Government proceeds on the assumption that the Czechoslovak Government is ready to refrain from pursuing the matter on an international forum, in particular at the conference dealing with the Austrian State Treaty. Should this assumption not be fulfilled the Austrian Federal Government would consider the undertakings already contemplated by it as set aside, so that in that case new negotiations would be necessary.

II.

Regarding points 1 to 5 of the Czechoslovak note verbale of July 2, 1946, and concerning the two new points brought out in the negotiations, it has been determined as follows:

Point 1

Frontier Rectifications South of the Danube:

The Austrian Government is not prepared to agree to a cession of territory south of the Danube. The Austrian Government is, however, ready to take certain measures on Austrian territory suitable for facilitating the technical operation of the Danube-Oder Canal.

Point 2

Frontier Arrangements at the Mouth of the Danube-Oder Canal

On the part of Austria it is brought out that in the question of the Danube-Oder Canal as a whole there are still so many wide differences and obscurities in the concepts of the two parties that it is for the present impossible to make a common declaration regarding the Czechoslovak desire for cession of a strip of territory on the right bank of the March River opposite Devin-Nova Ves.

On the Austrian side it is proposed to charge a joint technical commission with further study of the matter, to furnish a report to both governments within a reasonable period of time.

The Austrian representatives are prepared to make a statement of the Austrian Government's basic attitude towards this desire of Czechoslovakia for territory in the near future.

Point 3

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Czechoslovak Proposal

The Czechoslovak delegation proposes two small rectifications involving a total area of about 150 hectares at the places where Austrian territory extends to the left bank of the Thaya. It is a question of two areas of which the larger lies west of Laa and north of Blausauden, and the smaller north of the Meierhofes Alt-Prerau. This change would be designed to shorten the frontier, facilitate patrol of the border, and make access to the water possible.

The Austrian delegation states that it would be prepared to take this desire into consideration against territorial compensation in about the same area of land on the right bank of the Thaya in the area of Laa, which would make direct access to the Thaya possible.

Point 4Arrangements Concerning the Frontier Section of  
the Thaya and use of the Waters of the Thaya:  
Czechoslovak Proposal

Pursuant to execution of the Czechoslovak-Austrian frontier agreement of March 10, 1921, Czechoslovakia contemplates completing the work already begun on the system of dams and hydraulic plants on the Thaya River through construction of the Hardegg and Stierfelsen dams. The Czechoslovak delegation has therefore requested a frontier rectification in the section of the Thaya before Gizov and Podmolli of an area of about 470 hectares. The Czechoslovak delegation requests cession of the territory

- a) necessary for the construction and operation of the Hardegg dam and the associated power plants and
- b) which will be flooded on the right bank of the Thaya by the Hardegg and Stierfelsen dams.

Concerning this the Austrian delegation states:

Austria is greatly interested in being able soon to draw current from these Thaya power plants, as well as in regulation of the hydraulic economy to bring about improvements for the benefit of agriculture. Nothing is said in the agreement of March 10, 1921, regarding the nature of the six million kilowatt hours to be delivered to Austria. Moreover, six million kilowatt hours appears to be inadequate under present conditions. Austria therefore urges that the agreement be adapted to the new conditions.

Under these

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Under these circumstances Austria desires itself to build the Hardegg power plant. With respect to the Stierfelsen dam, Austria expresses its readiness to agree to the desired cession of territory for the area to be inundated for this power plant, on condition that

- a) territorial compensation in the area of Laa south of the Thaya is granted
- b) the proprietors of estates bordering the inundated area are assured access to the water at any level, as well as the procurement of sand, earth, and seaweed
- c) Austrian landowners affected receive full compensation.

Counter statement: The Czechoslovak delegation rejects the request for territorial compensation for the Austrian territory because it is contrary to the agreement of March 10, 1921, and has doubts of the necessity for inserting c) above. The Austrian delegation points out, however, that the earlier construction projects contemplated only insubstantial cessions of territory.

#### Point 5

##### Use of the road Chlum-Josefstal-Nova-Bistrice:

The Czechoslovak delegation requested that the Czechoslovak population residing in the border area receive the right to use the road Chlum-Josefstal-Nova-Bistrice with vehicles of all kinds, in connection with which Czechoslovakia is prepared to pay a contribution to maintenance of this road. The Austrian delegation agrees with this desire provided traffic is kept within the bounds of local border traffic and an agreeable regulation of customs and police guard is arrived at.

#### Point 6

##### Re-location of the Narrow-gauge Railway Gmund-Litschau:

The Czechoslovak delegation desires that the railway, Gmund-Litschau, which runs over Czechoslovak territory for 1500 meters, be removed to Austrian territory within two years. The Austrian delegation will agree to this desire provided the removal could be made within five years and carried out at the expense of Czechoslovakia.

#### Point 7

##### Frontier Rectification in the Area of the Lipno Power Plant:

The Austrian position on the Czechoslovak desires for frontier rectifications in the Moldau area must be reserved pending acquisition of the necessary data.

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III.

The two delegations agree to submit this protocol to their governments for decision regarding the next steps to be taken.

IV.

This protocol is drawn up in the German and Czech languages, of which both texts are authentic.

Vienna, March 14, 1947.